

**Remarks/Arguments**

Applicants thank the Examiner for a thorough and timely examination.

**I. Status of Claims**

Claims 1-12 are currently pending in the application. This amendment amends claims 1 and 8, and addresses each rejection and objection raised by the Examiner. Claims 1 and 8 are amended to place the claims in better condition for allowance, and not out of necessity for overcoming the art of record.

The amended claim language finds support in the specification as originally filed. No new matter has been added. Favorable reconsideration is respectfully requested.

**II. Objection to the Specification**

The Examiner objected to the abstract because of undue length. Per MPEP 608.01(b) the abstract is to be no longer than 150 words in length. The amended abstract submitted in the response filed August 29, 2008 contains 148 words. As such, Applicants believe the current abstract meets the requirements of MPEP 608.01(b), and thus the objection should be withdrawn.

**III. Rejection of Claims under 35 U.S.C. 101**

Claims 1-9 are rejected under 35 U.S.C. 101 for allegedly not falling within one of the four statutory categories of invention. Applicants amend claim 1 to further recite that the claimed steps are performed by a moving picture mail server. The claimed method steps are now tied to a particular apparatus such as the moving

picture mail server. As such, Applicants submit that claims 1-9 are now directed to a statutory process. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections of claims 1-9 under 35 U.S.C. 101.

#### **IV. Rejection of Claims under 35 U.S.C. 103**

Claims 1-2, and 4 are rejected under 35 U.S.C § 103(a) as allegedly being unpatentable over Yamaguchi (US 6,693,510 B1). Claim 3 is rejected under 35 U.S.C § 103(a) as allegedly being unpatentable over Yamaguchi in view of Fukuhara et al. (US 6,591,017 B1). Claims 5-9 are rejected under 35 U.S.C § 103(a) as allegedly being unpatentable over Yamaguchi in view of Lee et al. (US 6,023,296). Claims 10-11 are rejected under 35 U.S.C § 103(a) as allegedly being unpatentable over Yamaguchi in view of Jabri (US 7,266,611). Claim 12 is rejected under 35 U.S.C § 103(a) as allegedly being unpatentable over Yamaguchi in view of Jabri in view of Fukuhara.

Applicants respectfully request reconsideration and withdrawal of the above rejections.

**With respect to claim 1**, Applicants respectfully disagree with the Examiner's rejection. Specifically, there is no discussion whatsoever in Yamaguchi of a moving picture mail server confirming a first support codec of a first mobile terminal and a second codec of a second mobile terminal and determining whether or not the support codecs are compatible wherein if the support codecs are incompatible, the server then transcodes the mail received from the first mobile terminal on the basis of the support codec of the second mobile terminal. Yamaguchi does disclose a mobile terminal

capable of encoding/transmitting and decoding/receiving image and voice data. Yet, nowhere does Yamaguchi disclose or suggest any embodiment of determining compatibility of a first and second codec of a first and second mobile terminal, respectively. At most, in column 6 line 58 – column 7 line 5, Yamaguchi discusses determining whether a receiving mobile station supports a detected communication mode. A codec as disclosed in the present application, however, is necessarily distinct from a communication mode as described in the specification of Yamaguchi. Further, as discussed in the above citation, even if it is determined that the receiving terminal does not support the detected communication mode, there is no disclosure in Yamaguchi of transcoding the received communication on the basis of a supported communication at the receiving terminal. Alternatively, Yamaguchi discloses that in such instances, the receiving terminal transmits a signal to the base station demanding the end of communication. Clearly, Yamaguchi fails to disclose or suggest at least the above described features of independent claim 1. As such, Applicants submit that claim 1 is patentable over any reasonable interpretation of Yamaguchi.

**Dependent claims 2-9** are patentable on their own merit, yet are distinguished from any reasonable combination of the above cited art, at least by virtue of their dependence from claim 1. Namely, neither Fukuhara nor Lee is capable of overcoming at least the deficiencies of Yamaguchi discussed above. Further, with respect to claim 3, Fukuhara is cited for disclosing a JPEG codec and a wavelet codec; however there is no discussion of utilizing the codecs in any embodiment related to that as recited in the claim language. The disclosure of Fukuhara is narrowly directed to a method of wavelet decoding thus it is not clear how Yamaguchi is capable of

being combined with Fukuhara to allegedly arrive at the claimed features. With respect to claims 5-9, Lee is directed to a method of adjusting coding rates for image data based on an *encoder* buffer fullness. Lee fails to disclose, however, checking buffer information fed from a second receiving terminal of the image data. Lee is more specifically directed to maximizing an encoding rate of the encoder, thus Lee does not disclose adjusting a transmission rate based on buffering information from a receiving terminal. Further, Lee fails to disclose receipt of any information concerning the transmission from a second terminal. As such, no reasonable combination of Yamaguchi and Lee is capable of disclosing or suggesting each feature of the claim language, especially concerning checking buffering information fed from the second mobile terminal.

**With respect to independent claim 10,** Applicants respectfully disagree with the Examiner's rejection. The cited reference to Jabri was filed on March 12, 2003 and claims priority to a provisional application (No. 60/364,402) filed on March 12, 2002. As acknowledged by the Examiner and as perfected in the response filed on August 29, 2008, the present application is granted the benefit of the earlier filing date of January 20, 2003 based on the foreign priority document KR 3768/2003. As such, the disclosure of US Patent 7,266,611 is not applicable as prior art. The Applicants have reviewed the provisional application document and base the following arguments on the disclosure of such.

The provisional application of Jabri fails to disclose or suggest at least the specific features of the moving picture mail server and the transcoding server. Namely, nowhere does Jabri disclose or suggest at least a moving picture mail server

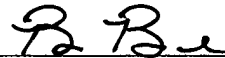
comprising a database for storing codec information of the first and second mobile terminals or a transmission controller for confirming a coding technique for moving picture mail transmitted from the first mobile terminal and an image codec provided in the second mobile terminal. Accordingly, Jabri also necessarily fails to specifically disclose or suggest any embodiment wherein a transcoding server comprises a coding controller that generates a selection control signal for selecting the first codec and the second codec according to codec information output from the transmission controller.

In view of the above, there is no reasonable combination of Yamaguchi and Jabri that is capable of teaching at least the above discussed features. Therefore, Applicants submit that claim 10 is patentable over any reasonable combination of Yamaguchi and Jabri. Dependent claims 11-12 are patentable on their own merit, yet are distinguished from any reasonable combination of the above cited art, at least by virtue of their dependence from claim 10.

**CONCLUSION**

In view of at least the above arguments, it is believed that the above-identified application is in condition for allowance, and notice to that effect is respectfully requested. Should the Examiner have any questions, the Examiner is encouraged to contact the undersigned at the telephone number indicated below.

Respectfully submitted,



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